IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND

PRESENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 2991 of 1995

Between:

1 G.Balreddy (died) per LRs
2 G.Narayan Reddy S/o.G.Malla Reddy, 6-10-168 Old Malakpet Hyderabad
3 G.Ravinder S/o.G.Narayan Reddy, 16-10-168 Old Malakpet Hyderabad

4 G.Vijaya Lakshmi, w/o late G.Bal Reddy, 60 years,

5 Y.Manjula d/o late G.Bal reddy, 39 years

6 V.Madhavi d/o late G.Bal Reddy, 37 years,

7. Kavitha d/o late G.Bal Reddy, 35 years.

(Petitioners 4 to 7 are residents of old Boiguda,Hyderabad)

(Petitioners 4 to 7 brought on record as LRs of deceased petitioner No.1, as per Court order dated 21-3-2005 in WPMP No.2077 of 2005)

.... PETITIONERS

AND

1 The Special Officer and the Competent Authority, Urban Land

Ceilings, Government of Andhra Pradesh, Hyderabad
2 The Commissioner of Land Reforms and Urban Land Ceilings

(Appellate Authority), under Urban Land Ceiling Act, 1976

Nampally Station Road, Hyderabad
3 The Mandal Revenue Officer Charminar Mandal, Malakpet,

Hyderabad
4 The Mandal Revenue Officer Musheerabad Mandal,

Himayathnagar Hyderabad

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of a writ of mandamus declaring that the entire proceedings of respondent No.1 in file No.CC.No.D1/5349/76, and D1/6534/76 under the Urban Land (Ceiling and Regulation) Act, 1976 as illegal void and without jurisdiction in as much as the provisions of the said Act do not apply to the land in question i.e., S.Nos.25,61 and 62/8 and consequently direct the respondents not to dispossess us from those lands and to pass such other order.

Counsel for the Petitioner: MR.V.RAJAGOPAL REDDY

Counsel for the Respondent Nos.1 to 4: GP for Revenue

The Court made the following :

ORDER:

This writ petition has been filed by the petitioner seeking a writ of Mandamus declaring the entire proceedings of respondent No.1 in C.C.No.D1/5349/76 & D1/6534/76 under the Urban Land (Ceiling and Regulation) Act, 1976 (for short 'the Act') as illegal and void and consequently direct the respondents not to

dispossess the petitioners from their respective lands.

Bereft of the details, the facts giving rise to the present writ petition are as follows

1st, 2nd and 3rd petitioners owned an extent of 20 guntas each situated in S.No.25 of Teegalaguda village (Old Malakpet), Hyderabad and they have been in possession and enjoyment of the same from the times immemorial. Apart from the said land, the petitioners are also having an agricultural land situated in S.Nos.61 and 62/8 of Pensionpura (Old Malakpet), Hyderabad, in which, the petitioners have equal share and sold the same to M/s. The Republic Cooperative Housing Society Limited, Farathnagar under an agreement of sale dated 15-09-1981. Since then, the Society is in possession and enjoyment of the same. Thereafter, the Society made an application to the Government seeking exemption from the operations of the provisions of the Act in respect of the said survey numbers. In 1976 the petitioners filed declarations before the 1st respondent in compliance of the provisions of the Act. Without giving the opportunity of hearing, the 1st respondent conducted an enquiry under the Act and issued the proceedings. Feeling aggrieved, they preferred appeals before the 2nd respondent. The said appeals were allowed and the case was remanded to 1st respondent for fresh enquiry. The petitioners were asked by the 1st respondent to furnish relevant documents. Accordingly they filed a reply on 20-2-90 and the matter is still pending with the 1st respondent.

A counter affidavit is filed on behalf of the 1st respondent. It is brought to the notice of this Court that the matter is still pending before the 1st respondent.

Heard the learned counsel on either side.

The analysis of the facts so far noticed reveals that the matter is still pending before the Government. In this view of the fact, without expressing any opinion on the merits of the case, I feel it would suffice if a direction is issued to the 1st respondent to consider the case and dispose of the same in accordance with law as expeditiously as possible.

Accordingly, the writ petition is disposed of. The 1st respondent is directed to

dispose of the matter pending before him within a period of six months from the date of receipt of copy of this order after affording an opportunity to both the parties. However, it is made clear that till the disposal of the

matter pending before the 1st respondent, the interim order granted by this Court on 21-2-1995 shall continue.

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10-03-2004

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To

1 The Special Officer and the Competent Authority, Urban Land

Ceilings, Government of Andhra Pradesh, Hyderabad
2 The Commissioner of Land Reforms and Urban Land Ceilings

(Appellate Authority), under Urban Land Ceiling Act, 1976

Nampally Station Road, Hyderabad
3 The Mandal Revenue Officer Charminar Mandal, Malakpet,

Hyderabad
4 The Mandal Revenue Officer Musheerabad Mandal,

Himayathnagar Hyderabad

5 Two CCs to GP for Revenue, High Court buildings, Hyderabad (OUT)

6 Two CD copies.